

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

DEC 02 2014

JAMES J. MCGORMACK, CLERK
By: JK Johnson
DEP CLERK

**BUFFALO RIVER WATERSHED ALLIANCE;
ARKANSAS CANOE CLUB; NATIONAL PARKS
CONSERVATION ASSOCIATION; and
OZARK SOCIETY**

PLAINTIFFS

v.

No. 4:13-cv-450-DPM

**DEPARTMENT OF AGRICULTURE, Tom
Vilsack, in his official capacity as Secretary,
United States Department of Agriculture;
SMALL BUSINESS ADMINISTRATION,
Jean Hulit, in her official capacity as Administrator,
Small Business Administration, and Linda Nelson,
in her official capacity as Arkansas District Director,
Small Business Administration; and FARM SERVICE
AGENCY, Juan Garcia, in his official capacity as
Administrator, Farm Service Agency, and Linda
Newkirk, in her official capacity as Arkansas
State Executive Director, Farm Service Agency**

DEFENDANTS

JUDGMENT

1. The Buffalo River Watershed Alliance, the Arkansas Canoe Club, the National Parks Conservation Association, and the Ozark Society are entitled to judgment that the Farm Service Agency and the Small Business Administration violated the National Environmental Policy Act and the Endangered Species Act in guaranteeing Farm Credit Services of Western Arkansas's loans to C&H Hog Farms, Inc.

2. The Farm Service Agency and the Small Business Administration are entitled to judgment on Plaintiffs' claim that the Agencies violated the Buffalo National River Enabling Act. That claim is dismissed with prejudice.

3. The Farm Service Agency is entitled to judgment on Plaintiffs' claim that it violated its own regulation by not consulting the United States National Park Service.

4. All Plaintiffs' other claims are dismissed without prejudice.

5. As the prevailing party, Plaintiffs are entitled to reasonable costs and may be entitled to a reasonable attorney's fee, as allowed by law. Bill of Costs, and any fee motion, due by 19 December 2014.

6. The matter is remanded to the Farm Service Agency and the Small Business Administration. The Court retains jurisdiction.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

2 December 2014